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| 10/074,162      | 02/12/2002  | Brian N. Tufte       | 1076.1101103        | 6734             |

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EXAMINER

LEE, GUIYOUNG

ART UNIT PAPER NUMBER

2875

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/074,162

Applicant(s)

TUFTE, BRIAN N.

Examiner

Guiyoung Lee

Art Unit

2875

mw

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-22 and 24 is/are rejected.
- 7) ☒ Claim(s) 8 and 23 is/are objected to.
- 8) ☒ Claim(s) 24 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 6.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

**DETAILED ACTION**

***Prelim./Amdt.***

1. Receipt is acknowledged of the Amendment filed 03 July 2003.

***Election/Restrictions***

2. Newly submitted claim 25 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Newly submitted claim 25 is drawn to an elongated bumper including a glow-in-dark material and a non-glow-in-the-dark material, classified in class 114, subclass 219.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 25 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 6-7, 9-11, 13-19, and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zou et al. (USPT 6,186,649 B1) in view of Sugiyama et al. (USPT 6,278,827 B1).

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Re claims 1, 9-11, and 13-16: Zou teaches a lighting apparatus for receiving an elongated light source (254 in Fig. 8) having an elongated member including a first material (258 in Fig. 8) and a second material (256 in Fig. 8), the first material being at least semi-transparent (col. 8, line 48) and the second material being substantially non-transparent (col. 8, line 42), the elongated member having a cavity (254) for receiving the elongated electro-luminescent light (col. 5, lines 3-4). Zou is silent with regard to a monolithic elongated member including a first material and a second material and a method of making the monolithic elongated material by co-ex<sup>tr</sup>uding.

However, Sugiyama teaches a lighting apparatus and its manufacturing process by using a multi-material extrusion molding machine (col. 23, line 45++). It would have been obvious to one having ordinary skill in the art at the time of the invention to employ multi-material extrusion molding machine as suggested by Sugiyama in order to make Zou's monolithic elongated member because co-extruding is a known method, and employing multi-material extrusion molding machine is within the level of ordinary skill in the art.

Re claims 2 and 17: Zou discloses the cavity is at least partially defined by at least a portion of the second material (256 in Fig. 8).

Re claims 3-4 and 18-19: Zou discloses that the second material is at least partially reflective (col. 8, line 48).

Re claims 6 and 21: Zou teaches that a surface is shaped as a lens (202 in Fig. 6).

Re claims 7 and 22: Zou discloses an elongated slit between the cavity and the exterior of the elongated member (264 in Fig. 8).

5. Claims 5 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zou.

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Re claims 5 and 20: Although Zou does not disclose that the surface is parabolic in shape.

However, Zou teaches that the external enclosure can have any cross-sectional shape including circular, elliptical, oval, etc. (col. 7, line 3). Zou's elliptical shape were art-recognized equivalent at the time the invention was made, one of ordinary skill in the art would have been found it obvious to substitute parabolic shape.

6. Claims 12 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zou.

Re claims 12: Although Zou does not disclose that light source is a linear emitting fiber or glow-in-the-dark material. However, Zou discloses linear lighting sources such as electro-luminescent strips (col. 4, lines 61-62). Zou's electro-luminescent strips were art-recognized equivalent at the time the invention was made, one of ordinary skill in the art would have been found it obvious to substitute a linear emitting fiber or glow-in-dark material for a linear light source.

#### ***Allowable Subject Matter***

7. Claims 8 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. The following is a statement of reasons for the indication of allowable subject matter: Although the prior art of record discloses an elongated slit, Zou and Sugiyama does not disclose that the elongated slit extends to two or more separate outer surface regions of elongated member, wherein at least part of the outer surface between the two or more separate region is substantially non-transparent, as set forth in the claims.

***Response to Arguments***

9. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Guiyoung Lee** whose telephone number is **(703) 308-8567**. The examiner can normally be reached between the hours of 8:00 AM to 3:30PM Monday thru Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea, can be reached on (703) 305-4939. The fax phone number for this Group is (703)872-9306. The Right Fax phone number for the examiner is (703)746-4766.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [**Guiyoung.lee@uspto.gov**].


*All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.*

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

GYL

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10/31/2003

  
Stephen Husar  
Primary Examiner